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To: Patricia Bianco, (Supervisor of ART Group 3772)

Fax: 571-273-8300

RE: Bushby Interview – Discussion Points (4 pages)

Application: 10/817,172 (Plantar Fasciitis)

Interview Date/ Time: Thursday, May 8th / 9:30 –10:00 am
(In Person)

From: D. Bushby (*Pro Se Inventor*)

Inventor Contact Number: 713-299-7263

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Proposed Agenda for Bushby Interview
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Application # 10/817,172 May 6th 2008, 9:30 – 10:00 am

- 1) Discuss 112 Rejections as per the attached notes. Including the non-current claim. (5 min)**
- 2) Briefly, discuss the issue of non-current claims being used in the 102 rejections. (1 min) (*Anticipation*)**
- 3) Briefly, discuss the issue of non-current claims being used in the 103 rejections. (4 min) (*Obviousness*)**
- 4) Discuss why the differences between Bushby and Burgess are significant and meaningful differences (*Anticipation in more detail*). (10 min)**
 - a. Burgess is a cushion member for the entire sole of the foot.
 - b. Size and shape of Burgess / Bushby relating to separate functions
 - c. Stretch resistance, number of layers, adhesion levels, inclusion of straps, (Bushby) intended to be worn in place of footwear vs (Burgess) instead of with footwear, etc.
- 5) Request "Allowable Draft" claims pre MPEP 7.43.04 / discuss examiners suggested claims and my proposed claims (5 min)**
- 6) Summarize points of agreement and next steps**

May 03, 2008

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Bushby -10/817,172 Pre-interview
Draft Comments on the Office Action
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With regards to the 112 Rejections:

Applicant does not agree with the 112 given on paragraph #2. In addition to paragraph [0044], kindly refer to paragraphs [0038] and [0040] of the original specification, which have been repeated here for convenience.

With regards to the 112 rejection of paragraph 4, applicant understands the suggested changes (i.e. "the" to "a"/ "an").

With regards to the 112 rejection of paragraph 5, applicant would like to discuss, and better understand this.

With regards to the 112 rejection of paragraph 6, applicant does not agree. Please kindly refer to paragraphs [0038], [0040] & [0044] of the specification.

With regards to the 112 rejection of paragraph 7, applicant does not concur with this finding, because "said arch strap" does not exist in the current claim 53 as submitted with the RCE for this examination. The claim being referred to in paragraph 7 of the office action is a non-current claim.

With regards to the 102 Rejections:

It is respectfully pointed out that the claims (quoted below), which have received 102 rejections are not the current claims. The claims quoted below had been amended after an "in person" interview with the examiner and supervisor. Additionally, claims 44, 56, 62 and 66 have differing limitations that have not been addressed by this 102 rejection.

With regards to the 103 Rejections:

It is respectfully pointed out that the claims (quoted below), which have received 103 rejections are not the current claims. For example: Verbiage used in the office action such as "about 30 mils" reads as "30 mils" in the current claims. The "about 30 mils" is from an old set of claims.

Not all claims have been examined:

Claim #68 has not been specifically addressed.

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**Bushby -10/817,172
Inventor Draft Claims for Discussion**

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DRAFT CLAIMS FOR DISCUSSION ONLY
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Underlined text is for discussion regarding Burgess 102 rejection.

70. (New) An orthotic foot support device for reducing stress on the plantar fascia of a human foot, said device comprising:
a thin stretch resistant, uniform thickness sole support, having a shape matching less than the entire outline of a sole of a wearer's foot;
an adhesive layer on said sole support for attaching said sole support to a sole of a foot such that said sole support absorbs tensile stress thus preventing extension and stretching of tissue on a bottom of a foot on which a said sole support is attached.

71. (New) An orthotic foot support device for reducing stress on the plantar fascia of a human foot, said device comprising:
a thin flexible stretch resistant, non-cushioning sole support;
an adhesive layer on said sole support for attaching said sole support to a sole of a foot so that extension and stretching of tissue on a bottom of a foot on which a sole support is attached is prevented.

72. (New) A plantar fascia support device for a human foot comprising:
a thin flexible stretch resistant, sole support, shaped to cover only a portion of a bottom of a foot, and
an adhesive layer on at least a portion of said sole support for adhering said sole support to an outer skin of a sole of a foot.

73. (New) A plantar fascia support device for a human foot comprising:
a stretch resistant, sole support, not having a cushion layer;
an adhesive layer covering an entire side of said sole support for adhering said sole support to an outer skin of a sole of a foot.

74. (New) The device of claims 70, wherein said device, further comprises:
a protective cover layer detachably disposed on said adhesive layer,
a strap to be affixed to a foot generally transversely to said sole support;
an adhesive layer on said strap for adhering said strap to an outer skin surface of a top of a foot;
a protective cover layer detachably disposed on said strap.

75. (New) The device of claims 71, wherein said device, further comprises:
a protective cover layer detachably disposed on said adhesive layer,